

program, regardless of whether the splice involves the addition or deletion of material or is intended to repair a break or cut.

4. *Undeteriorated*: Free from any visual or aural deterioration resulting from aging or exposure to climatic, atmospheric, or other chemical or physical conditions, including heat, cold, humidity, electromagnetic fields, or radiation. The copy shall also be free from excessive brittleness or stretching, from any visible flaking of oxide from the tape base or other medium, and from other visible signs of physical deterioration or excessive wear.

B. *Physical Appurtenances of Deposit Copy*.

1. *Physical Housing of Video Tape Copy*. (a) In the case of video tape reproduced for reel-to-reel performance, the deposit copy shall consist of reels of uniform size and length. The length of the reels will depend on both the size of the tape and its running time (the last reel may be shorter). (b) In the case of video tape reproduced for cassette, cartridge, or similar performance, the tape drive mechanism shall be fully operable and free from any mechanical defects.

2. *"Leader" or Equivalent*. The copy, whether housed in reels, cassettes, or cartridges, shall have a leader segment both preceding the beginning and following the end of the recording.

C. *Visual and Aural Quality of Copy*:

1. *Visual Quality*. The copy should be equivalent to an evaluated first generation copy from an edited master tape and must reproduce a flawless and consistent electronic signal that meets industry standards for television screening.

2. *Aural Quality*. The sound channels or other portions must reproduce a flawless and consistent electronic signal without any audible defects.

(17 U.S.C. 407, 408, 702)

[48 FR 37209, Aug. 17, 1983, as amended at 60 FR 34168, June 30, 1995]

APPENDIX B TO PART 202—"BEST EDITION" OF PUBLISHED COPYRIGHTED WORKS FOR THE COLLECTIONS OF THE LIBRARY OF CONGRESS

The copyright law (title 17, United States Code) requires that copies or phonorecords deposited in the Copyright Office be of the "best edition" of the work. The law states that "The 'best edition' of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes." (For works first published only in a country other than the United States, the law requires the deposit of the best edition as first published.)

When two or more editions of the same version of a work have been published, the one of the highest quality is generally considered to be the best edition. In judging

quality, the Library of Congress will adhere to the criteria set forth below in all but exceptional circumstances.

Where differences between editions represent variations in copyrightable content, each edition is a separate version and "best edition" standards based on such differences do not apply. Each such version is a separate work for the purpose of the copyright law.

The criteria to be applied in determining the best edition of each of several types of material are listed below in descending order of importance. In deciding between two editions, a criterion-by-criterion comparison should be made. The edition which first fails to satisfy a criterion is to be considered of inferior quality and will not be an acceptable deposit. Example: If a comparison is made between two hardbound editions of a book, one a trade edition printed on acid-free paper, and the other a specially bound edition printed on average paper, the former will be the best edition because the type of paper is a more important criterion than the binding.

Under regulations of the Copyright Office, potential depositors may request authorization to deposit copies or phonorecords of other than the best edition of a specific work (e.g., a microform rather than a printed edition of a serial), by requesting "special relief" from the deposit requirements. All requests for special relief should be in writing and should state the reason(s) why the applicant cannot send the required deposit and what the applicant wishes to submit instead of the required deposit.

I. *Printed Textual Matter*

A. *Paper, Binding, and Packaging*:

1. Archival-quality rather than less-permanent paper.
2. Hard cover rather than soft cover.
3. Library binding rather than commercial binding.
4. Trade edition rather than book club edition.
5. Sewn rather than glue-only binding.
6. Sewn or glued rather than stapled or spiral-bound.
7. Stapled rather than spiral-bound or plastic-bound.
8. Bound rather than looseleaf, except when future looseleaf insertions are to be issued. In the case of looseleaf materials, this includes the submission of all binders and indexes when they are part of the unit as published and offered for sale or distribution. Additionally, the regular and timely receipt of all appropriate looseleaf updates, supplements, and releases including supplemental binders issued to handle these expanded versions, is part of the requirement to properly maintain these publications.
9. Slip-cased rather than nonslip-cased.
10. With protective folders rather than without (for broadsides).

11. Rolled rather than folded (for broadsides).

12. With protective coatings rather than without (except broadsides, which should not be coated).

B. Rarity:

1. Special limited edition having the greatest number of special features.

2. Other limited edition rather than trade edition.

3. Special binding rather than trade binding.

C. Illustrations:

1. Illustrated rather than unillustrated.

2. Illustrations in color rather than black and white.

D. Special Features:

1. With thumb notches or index tabs rather than without.

2. With aids to use such as overlays and magnifiers rather than without.

E. Size:

1. Larger rather than smaller sizes. (Except that large-type editions for the partially-sighted are not required in place of editions employing type of more conventional size.)

II. Photographs

A. Size and finish, in descending order of preference:

1. The most widely distributed edition.

2. 8×10-inch glossy print.

3. Other size or finish.

B. Unmounted rather than mounted.

C. Archival-quality rather than less-permanent paper stock or printing process.

III. Motion Pictures

Film medium is considered a better quality than any other medium. The formats under “film” and “video formats” are listed in descending order of preference:

A. Film

1. Preprint material, by special arrangement

2. 70 mm positive print, if original production negative is greater than 35 mm

3. 35 mm positive prints

4. 16 mm positive prints

B. Video Formats

1. Betacam SP

2. Digital Beta (Digibeta)

3. DVD

4. VHS Cassette

IV. Other Graphic Matter

A. Paper and Printing:

1. Archival quality rather than less-permanent paper.

2. Color rather than black and white.

B. Size and Content:

1. Larger rather than smaller size.

2. In the case of cartographic works, editions with the greatest amount of information rather than those with less detail.

C. Rarity:

1. The most widely distributed edition rather than one of limited distribution.

2. In the case of a work published only in a limited, numbered edition, one copy outside the numbered series but otherwise identical.

3. A photographic reproduction of the original, by special arrangement only.

D. Text and Other Materials:

1. Works with annotations, accompanying tabular or textual matter, or other interpretative aids rather than those without them.

E. Binding and Packaging:

1. Bound rather than unbound.

2. If editions have different binding, apply the criteria in I.A.2–I.A.7, above.

3. Rolled rather than folded.

4. With protective coatings rather than without.

V. Phonorecords

A. Compact digital disc rather than a vinyl disc.

B. Vinyl disc rather than tape.

C. With special enclosures rather than without.

D. Open-reel rather than cartridge.

E. Cartridge rather than cassette.

F. Quadraphonic rather than stereophonic.

G. True stereophonic rather than monaural.

H. Monaural rather than electronically rechanneled stereo.

VI. Musical Compositions

A. Fullness of Score:

1. *Vocal music*:

a. With orchestral accompaniment—

i. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)

ii. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)

b. Unaccompanied: Open score (each part on separate staff) rather than closed score (all parts condensed to two staves).

2. *Instrumental music*:

a. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)

b. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)

B. Printing and Paper:

1. Archival-quality rather than less-permanent paper.

C. Binding and Packaging:

1. Special limited editions rather than trade editions.
2. Bound rather than unbound.
3. If editions have different binding, apply the criteria in I.A.2–I.A.12, above.
4. With protective folders rather than without.

#### VII. Microforms

- A. Related Materials:
  1. With indexes, study guides, or other printed matter rather than without.
- B. Permanence and Appearance:
  1. Silver halide rather than any other emulsion.
  2. Positive rather than negative.
  3. Color rather than black and white.
- C. Format (newspapers and newspaper-formatted serials):
  1. Reel microfilm rather than any other microform.
- D. Format (all other materials):
  1. Microfiche rather than reel microfilm.
  2. Reel microfilm rather than microform cassettes.
  3. Microfilm cassettes rather than micro-opaque prints.
- E. Size:
  1. 35 mm rather than 16 mm.

#### VIII. Machine-Readable Copies

- A. Computer Programs
  1. With documents and other accompanying material rather than without.
  2. Not copy-protected rather than copy-protected (if copy-protected then with a backup copy of the disk(s)).
  3. *Format*:
    - a. PC-DOS or MS-DOS (or other IBM compatible formats, such as XENIX):
      - (i) 5¼" Diskette(s).
      - (ii) 3½" Diskette(s).
      - (iii) Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
    - b. Apple Macintosh:
      - (i) 3½" Diskette(s).
      - (ii) Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
    - B. Computerized Information Works, Including Statistical Compendia, Serials, or Reference Works:
      1. With documentation and other accompanying material rather than without.
      2. With best edition of accompanying program rather than without.
      3. Not copy-protected rather than copy-protected (if copy-protected then with a backup copy of the disk(s)).
      4. *Format*
        - a. PC-DOS or MS-DOS (or other IBM compatible formats, such as XENIX):
          - (i) Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.

- (ii) 5¼" Diskette(s).
- (iii) 3½" Diskette(s).

#### b. Apple Macintosh:

- (i) Optical media, such as CD-ROM—best edition should adhere to prevailing NISO standards.
- (ii) 3½" Diskette(s).

#### IX. Electronic Works Published in the United States and Available Only Online

For all deposits, UTF-8 encoding is preferred to ASCII encoding and other non UTF-8 encodings for non-Latin character sets in all categories below.

##### A. Electronic Serials

##### 1. Content Format

- a. Level 1: Serials-specific structured/markup format:

(i) Content compliant with the NLM Journal Archiving (XML) Document Type Definition (DTD), with presentation stylesheet(s), rather than without.

(ii) Other widely used serials or journal XML DTDs/schemas, with presentation stylesheet(s), rather than without.

(iii) Proprietary XML format for serials or journals (with documentation), with DTD/schema and presentation stylesheet(s), rather than without.

##### b. Level 2: Page-oriented rendition:

(i) PDF/A (Portable Document Format/Archival; compliant with ISO 19005).

(ii) PDF (Portable Document Format, with searchable text, rather than without).

##### c. Level 3: Other formats:

(i) XHTML/HTML, as made available online, with presentation stylesheets(s), rather than without.

(ii) XML (widely used, publicly documented XML-based word-processing formats, e.g., ODF/OpenDocument Format, Office OpenXML), with presentation stylesheets(s), if appropriate, rather than without.

(iii) Plain text.

(iv) Other formats (e.g., proprietary word processing or page layout formats).

##### 2. Metadata Elements:

If it has already been gathered and is available, descriptive data (metadata) as described below should accompany the deposited material.

a. Title level metadata: serial or journal title, ISSN, publisher, frequency, place of publication.

b. Article level metadata, as relevant/applicable: volume(s), number(s), issue dates(s), article title(s), article author(s), article identifier (DOI, etc.).

c. With other descriptive metadata (e.g., subject heading(s), descriptor(s), abstract(s)), rather than without.

3. Technological measures that control access to or use of the work should be removed.

#### X. Works Existing in More Than One Medium

Editions are listed below in descending order of preference.

**Pt. 203**

**37 CFR Ch. II (7–1–11 Edition)**

A. Newspapers, dissertations and theses, newspaper-formatted serials:

1. Microform.
2. Printed matter.
- B. All other materials:
  1. Printed matter.
  2. Microform.
  3. Phonorecord.

[54 FR 42299, Oct. 16, 1989, as amended at 62 FR 51603, Oct. 2, 1997; 69 FR 8822, Feb. 26, 2004; 75 FR 3869, Jan. 25, 2010]

**PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES**

**ORGANIZATION**

Sec.

- 203.1 General.  
203.2 Authority and functions.  
203.3 Organization.

**PROCEDURES**

- 203.4 Methods of operation.

**AVAILABILITY OF INFORMATION**

- 203.5 Inspection and copying.

**CHARGES FOR SEARCH FOR REPRODUCTION**

- 203.6 Schedule of fees and methods of payment for services rendered.

**AUTHORITY:** 17 U.S.C 702; 5 U.S.C 552, as amended.

**SOURCE:** 43 FR 774, Jan. 4, 1978, unless otherwise noted.

**ORGANIZATION**

**§ 203.1 General.**

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5, United States Code, as amended.

[43 FR 774, Jan. 4, 1978, as amended at 66 FR 34373, June 28, 2001]

**§ 203.2 Authority and functions.**

(a) The administration of the copyright law was entrusted to the Library of Congress by an act of Congress in 1870, and the Copyright Office has been a separate department of the Library since 1897. The statutory functions of the Copyright Office are contained in and carried out in accordance with the

Copyright Act. Pub. L. 94–553 (90 Stat. 2541–2602), 17 U.S.C. 101–1101.

[43 FR 774, Jan. 4, 1978, as amended at 62 FR 35421, July 1, 1997]

**§ 203.3 Organization.**

(a) *In general.* The Office of the Register exercises overall direction of the work of the Copyright Office, including work in conjunction with copyright legislation, litigation and promulgation of copyright regulations. The Office of the Register of Copyrights includes the legal, administrative, and automation staff.

(b) The Copyright Office Chief of Operations has oversight of the operating divisions of the Copyright Office. The operating divisions are:

(1) The Receipt, Analysis and Control Division, which receives incoming materials, dispatches outgoing materials and establishes control over fiscal accounts.

(2) The Registration Program which examines all applications and material presented to the Copyright Office for registration of original and renewal copyright claims, and which determines whether the material deposited constitutes copyrightable subject matter and whether the other legal and formal requirements of title 17 have been met.

(3) The Registration Program, which prepares the bibliographic description of all copyrighted works registered in the Copyright Office, including the recording of legal facts of copyright pertaining to each work, in an on-line database in which copyright records can be searched; and which also examines and catalogs in an on-line database documents submitted for recordation.

(4) The Information and Records Division, which provides a national copyright information service through the Copyright Information Section, educates the public on the copyright law, issues and distributes information materials, responds to reference requests regarding copyright matters, prepares search reports based upon copyright records, certifies copies of legal documents concerned with copyright, and maintains liaison with the United States Customs Service, the Department of the Treasury, and the United